

**106 KAR 1:101. Kentucky Emergency Response Commission fee account grant requirements for state agencies.**

RELATES TO: KRS 39E.050, 39E.230

STATUTORY AUTHORITY: KRS 39E.040(3), (6), 39E.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39E.040(3) requires the Kentucky Emergency Response Commission to develop reporting requirements and procedures for individuals, businesses, and governmental agencies that manufacture, use, store, or transport hazardous substances. KRS 39E.040(6) requires the commission to recommend administrative regulations to the director for issuance by the Division of Emergency Management to implement KRS Chapter 39E. This administrative regulation establishes criteria and procedures to be met by state agencies requesting funds generated by KRS 39E.050.

Section 1. Eligibility of State Agencies. State agencies that perform functions to assist the Kentucky Emergency Response Commission in the administration of its programs and activities at the state level shall be eligible to apply for funding.

Section 2. State Agency Procedures. (1) State agencies that apply for financial assistance shall apply by completing a Grant Application, KERK Form: 101-GA, incorporated by reference in 106 KAR 1:091 and shall include an LEPC Detailed Budget, KERK Form: 102-DB, incorporated by reference in 106 KAR 1:091, identifying how the requested funds are to be spent.

(2) State agencies may request funding for staff to support the commission in the administration of its programs and activities at the state level. If a request for staff is included in the grant request, the state agencies shall attach a position description detailing job duties and an organization chart defining that position within the agency.

(3) The grant application and detailed budget shall be submitted directly to the Chairman of the Kentucky Emergency Response Commission, or designee, no later than May 1.

(4) The Chairman of the Kentucky Emergency Response Commission, or designee, shall review the grant request form for completeness and conformance to KRS Chapter 39E and Title 106 KAR, note any recommendations, and forward it to the Grant Review Committee no later than June 1.

(5) The Grant Review Committee, with a quorum present, shall review all grant requests from state agencies and forward their recommendations no later than July 1 to the Kentucky Emergency Response Commission for final approval.

(6) The Kentucky Emergency Response Commission shall make the grant awards no later than September 15.

(7) The Chairman of the Kentucky Emergency Response Commission, or designee, or the Grant Review Committee may request additional information, which shall be provided by the state agency. Failure to provide the requested information shall invalidate the state agency's request for funding.

Section 3. Requests for Modifications. (1) A request for modification of a grant award is required if there is a change in the grant request or if a state agency is unable to expend the funds for which the grant was awarded. A request for modification shall be submitted by the state agency for approval or denial by the commission. Unexpended monies shall be returned to the fund.

(2) Requests for modifications of grant awards shall be submitted on an LEPC Detailed Budget, KERK Form: 102-DB, incorporated by reference in 106 KAR 1:091 and, except for due dates, shall be processed in accordance with Sections 2 and 4 of this administrative regulation. Requests for modifications may be submitted throughout the grant period.

Section 4. Requirements for Funding Accountability. (1) Funds provided by the Kentucky Emergency Response Commission shall be subject to fiscal accountability prescribed by the state auditor of public accounts.

(a) A Memorandum of Agreement (MOA) between the state agency making application and the Chairman of the Kentucky Emergency Response Commission shall be executed.

(b) All funds shall be subject to audit by the Kentucky Emergency Response Commission and the state auditor of public accounts.

(2) Grant awards approved by the Kentucky Emergency Response Commission may be withheld for:

(a) Noncompliance with KRS 39E.050:

(b) Noncompliance with this administrative regulation: or

(c) Failure to provide required documentation.

(3) All funding allocation decisions shall be made by the Kentucky Emergency Response Commission and shall be dependent upon availability of fees collected. (18 Ky.R. 1717; eff. 1-27-1992; 43 Ky.R. 1229, 1524; eff. 3-31-2017.)